

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

Case No. 12-md-02311
Honorable Marianne O. Battani

In re: FUEL INJECTION SYSTEMS)
DIRECT PURCHASER ACTIONS) 2:13-cv-02201-MOB-MKM

)
)
THIS RELATES TO:)
)
ALL EUROPEAN AUTO SUPPLY, INC.,)
)
Plaintiff,) 2:15-cv-11827-MOB-DRG
)
vs.)
)
AISAN INDUSTRY CO., LTD., et al.,)
)
Defendants.)

)

STIPULATION AND ORDER REGARDING ACCEPTING
SERVICE OF COMPLAINT

All European Auto Supply, Inc. (“Plaintiff”) has filed the above-captioned action (“Action”) against the Defendants, including Aisan Industry Co., Ltd., Franklin Precision Industry, Inc., Aisan Corporation of America, DENSO Corporation, DENSO International America, Inc., DENSO International Korea Corporation, Mitsuba Corporation, American Mitsuba Corporation, Mitsubishi Electric Corporation, Mitsubishi Electric US Holdings, Inc., Mitsubishi Electric Automotive America, Inc., Robert Bosch GmbH, Bosch Electrical Drives Co., Ltd., and Robert Bosch LLC (collectively, “Stipulating Defendants”), alleging violations of Section 1 of the Sherman Act in connection with the sale of automobile Fuel Injection Systems.

So as to preserve both party and judicial resources, Plaintiff and Stipulating Defendants, by and through their undersigned counsel, stipulate to the following with respect to the Action:

1. Counsel for Stipulating Defendants agree to accept service of the complaint, filed on May 20, 2015, on behalf of the Stipulating Defendants, in satisfaction of the requirements of Fed. R. Civ. P. 4.

2. Unless otherwise modified by a case management order entered in this Action, Stipulating Defendants shall, as permitted by Fed. R. Civ. P. 12, answer, move, or otherwise respond within 60 days after either: (a) service on Stipulating Defendants of complete and unredacted copies of a consolidated amended complaint (“CAC”) in MDL 2311 in English and Japanese asserting claims based on sales of automobile Fuel Injection Systems; or (b) service on Stipulating Defendants of complete and unredacted copies of the current complaint in this Action in English and Japanese together with written notice by Plaintiff that it will not be filing a CAC in this Action.

3. Notwithstanding paragraph 2 above, if Stipulating Defendants file an answer, move or otherwise respond pursuant to Fed. R. Civ. P. 12 in any related actions asserting claims on behalf of direct purchasers based on sales of automobile Fuel Injection Systems before the date required by this stipulation, Stipulating Defendants will concurrently file their answer, move or otherwise respond as permitted by Rule 12 in this matter.

4. Plaintiff and Stipulating Defendants stipulate and agree that the entry into this stipulation by Stipulating Defendants shall not constitute a waiver of (a) any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure or (c) any other statutory or common law defenses that may be available to Stipulating Defendants in this or any other related actions. Stipulating Defendants expressly reserve their right to raise any such defenses (or any other defense) in response to (a) the current complaint or any amended and/or consolidated complaint that may be filed on behalf of Plaintiff or any other Direct Purchaser, and/or (b) any complaint that may be filed in any related action.

5. Plaintiff further agrees that the terms of this stipulation are available, without further stipulation with counsel for Plaintiff, to all defendants who notify Plaintiff's counsel in writing of their intention to join this Stipulation.

6. Stipulating Defendants further agree that the terms of this stipulation are available, without further stipulation with counsel for Stipulating Defendants, to all direct purchaser plaintiffs who file a separate class action complaint asserting claims based on sales of automobile Fuel Injection Systems and notify Stipulating Defendants' counsel in writing of their intention to join this Stipulation. Stipulating Defendants reserve their right to move for an order requiring a consolidated amended complaint.

IT IS SO STIPULATED.

Dated: July 20, 2015

/s/ David H. Fink

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IT IS SO ORDERED.

Date: August 26, 2015

s/Marianne O. Battani

MARIANNE O. BATTANI
United States District Judge